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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,852	03/10/2004	Brian Taraci	74200.926CIP	3730
22804 7590 01/21/2010 THE HECKER LAW GROUP 1925 CENTURY PARK EAST SUITE 2300 LOS ANGELES, CA 90067			EXAMINER KRISHNAN, VIVEK V	
			ART UNIT 2445	PAPER NUMBER
			MAIL DATE 01/21/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/797,852	Applicant(s) TARACI, BRIAN	
	Examiner Vivek Krishnan	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-42, 45 and 53-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-42, 45 and 53-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This action is responsive to the Amendment/Arguments filed on November 4, 2009. Claims 38-42 and 45 have been amended. Claims 43, 44, and 46-52 have been cancelled. Claims 53-58 have been newly added. Claims 38-42, 45, and 53-58 are pending.

Response to Arguments

1. Applicant's arguments filed with respect to Claim Rejections under 35 U.S.C. 103(a) have been fully considered but they are moot in view of the new ground(s) of rejection.

As to Applicant's arguments with respect to Claim 38:

a. Applicant argues generally that Elson and Venkatraman do not disclose the claim elements set forth in Claim 38.

Applicant's arguments are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 38-41, 45, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0014521 to Elson et al. (hereinafter "Elson") and further in view of U.S. Patent No. 2003/0140090 to Rezvani et al. (hereinafter "Rezvani").

4. As to Claim 38, Elson discloses an apparatus and method for providing universal web access functionality to one or more electronic devices comprising:

a first serial port configured to transmit remote control commands over a first serial link to a second serial port of a first remotely controllable non-web enabled electronic device (Elson; Figures 30-32, paragraphs 251, 253, 259; serial ports communicating with controllable electronic devices such as cell phones, GPS, remote platform, etc; GPS devices and OBD devices were traditionally known to be non-web enabled devices), said first remotely controllable non-web enabled electronic device configured to be controllable by remote control commands received at said second serial port from a first remote control (Elson; paragraphs 141, 145, 147, 218-219; resource controlled remotely by requests from remote control devices such as a PDA), said first serial port further configured to receive status information from said first remotely controllable non-web enabled electronic device over said first serial link (Elson; Figure 11, paragraphs 145, 147; resource status);

a third serial port configured to receive remote control commands for remotely controlling said first remotely controllable non-web enabled electronic device over a second serial link from a fourth serial port of said first remote control (Elson; Figure 30-32, paragraphs 141, 145, 147, 218-219; ports communicating with remote control devices such as a PDA);

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a pass through service configured to define a bi-directional path between said first serial port and said third serial port to enable the transmission of said remote control commands received over said serial link from said first remote control at said third serial port through said first serial port over said first serial link to said first remotely controllable non-web enabled electronic device for controlling said first remotely controllable non-web enabled electronic device without requiring any re-programming of said first remote control or said first remotely controllable non-web enabled electronic device (Elson; Figures 30-32, paragraphs 141, 145, 147, 218-219, and 227; passing control signals between PDA and resource);

Elson does not explicitly disclose a web server configured to serve a web page providing a user interface for remotely controlling said first remotely controllable non-web enabled electronic device by sending remote control commands from said web accessible remote control apparatus through said first serial port over said first serial link to first remotely controllable non-web enabled electronic device, however Rezvani discloses a web server configured to serve a web page providing a user interface for remotely controlling said first remotely controllable non-web enabled electronic device by sending remote control commands from said web accessible remote control apparatus through said first serial port over said first serial link to first remotely controllable non-web enabled electronic device (Rezvani; Figures 1-3, 11-12; paragraphs 105-106; web server with web page to provide user interface to control resources).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a contention manager, as disclosed by Elson, to include a web server providing a user interface, as disclosed by Rezvani, in order to provide remote web access and control of devices to a user.

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5. As to Claim 39, Elson and Rezvani disclose each and every limitation of Claim 38. Elson further discloses a contention manager managing access to said first serial port (Elson; paragraphs 3, 114-116, and 147-148; resource manager).

6. As to Claim 40, Elson and Rezvani disclose each and every limitation of Claim 39. Elson further discloses wherein said contention manager is configured to prevent access by one or more services operating within said web accessible remote control apparatus to said first serial port while a remote control command received from said first control via said third serial port is being passed through to said first serial port (Elson; paragraphs 3, 114-116, 140, and 147-148, preventing simultaneous access).

7. As to Claim 41, Elson and Rezvani disclose each and every limitation of Claim 40. Elson further discloses wherein said one or more services comprise an event monitoring service for monitoring a status of said first remotely controllable non-web enabled electronic device (Elson; paragraphs 3, 114-116, 145, and 147-148; monitoring status of resource).

8. As to Claim 45, Elson and Rezvani disclose each and every limitation of Claim 38. Rezvani further discloses wherein said web server is configured to receive control information for controlling said first controllable electronic device via said web page (Rezvani; Figures 1-3, 11-12; paragraphs 105-106; web server receives information to control resource).

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9. As to Claim 56, Elson and Rezvani disclose the web accessible remote control apparatus of claim 38. Rezvani further discloses wherein said remote control commands comprise commands for video input source selection (Rezvani; paragraph 59).

10. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elson and Rezvani as applied to Claim 38 and 46 above, and further in view of U.S. Patent No. 6,192,422 to Daines et al. (hereinafter "Daines").

11. As to Claim 42, Elson and Rezvani disclose each and every limitation of Claim 38. Elson does not explicitly disclose a buffer configured to temporarily store remote control commands received at said third serial port, however Daines discloses a buffer configured to temporarily store remote control commands received at said third serial port (Daines; Abstract; buffers associated with input/output ports to store signals).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Input/Output ports, as disclosed by Elson, to include buffers, as disclosed by Daines, in order to manage congestion.

12. Claims 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elson and Rezvani as applied to Claim 38 and 45 above, and further in view of U.S. Patent Application Publication No. 2002/0108108 to Akaiwa et al. (hereinafter "Akaiwa").

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13. As to Claim 53, Elson and Rezvani disclose the web accessible remote control apparatus of claim 38. Elson does not explicitly disclose wherein said first remotely controllable non-web enabled electronic device comprises a video projector, however Akaiwa discloses wherein said first remotely controllable non-web enabled electronic device comprises a video projector (Akaiwa; Figures 1-2; remotely controlling non-web enabled video projector via proxy).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a remotely controllable non-web enabled electronic device, as disclosed by Elson, to include a video projector, as disclosed by Akaiwa, in order to control a video projector remotely over a network.

14. As to Claim 54, Elson and Rezvani disclose the web accessible remote control apparatus of claim 45. Elson does not explicitly disclose wherein said first remotely controllable non-web enabled electronic device comprises a video projector, however Akaiwa discloses wherein said first remotely controllable non-web enabled electronic device comprises a video projector (Akaiwa; Figures 1-2; remotely controlling non-web enabled video projector via proxy).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a remotely controllable non-web enabled electronic device, as disclosed by Elson, to include a video projector, as disclosed by Akaiwa, in order to control a video projector remotely over a network.

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15. As to Claim 55, Elson, Rezvani, and Akaiwa disclose the web accessible remote control apparatus of claim 54. Akaiwa further discloses wherein said status information comprises lamp hour usage information (Akaiwa; paragraph 167; lamp-on time status information).

16. Claims 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elson and Rezvani as applied to Claim 38 and 45 above, and further in view of U.S. Patent Application Publication No. 2002/0069410 to Atmakuri et al. (hereinafter "Atmakuri").

17. As to Claim 57, Elson and Rezvani disclose the web accessible remote control apparatus of claim 38. Elson does not explicitly disclose wherein said first remotely controllable non-web enabled electronic device comprises a DVD player, however Atmakuri discloses wherein said first remotely controllable non-web enabled electronic device comprises a DVD player (Atmakuri; paragraph 17; remotely controlling non-web enabled DVD player).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a remotely controllable non-web enabled electronic device, as disclosed by Elson, to include a DVD player, as disclosed by Atmakuri, in order to control a video projector remotely over a network.

18. As to Claim 58, Elson, Rezvani, and Atmakuri disclose the web accessible remote control apparatus of claim 57. Atmakuri further discloses wherein said remote control commands

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comprise commands for play, fast forward, rewind, pause, and stop (Atmakuri; paragraph 17; play, fast forward, rewind, pause, and stop).

Conclusion

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Krishnan whose telephone number is (571) 270-5009. The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. K./
Examiner, Art Unit 2445

/Rupal D. Dharia/
Supervisory Patent Examiner, Art Unit
2400